

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,)	Docket No. 1:16-cr-00088-MOC-DLH
)	
)	
)	<u>ORDER</u>
Vs.)	Request for Review of Detention Order
)	
BRIAN JAMES LAUGHTER,)	
)	
Defendant.)	

THIS MATTER is before the court on defendant's Request for Review of Detention Order (#11). On August 2, 2016, the grand jury indicted defendant on six counts, including offences charged involving firearms and controlled substances.

Defendant was detained by the Honorable Dennis Howell, United States Magistrate Judge, after a hearing on August 10, 2016. Judge Howell determined that the defendant posed a danger to another person or the community, holding as follows:

The nature and seriousness of the danger to any person or the community that would be posed by the person's release indicate by clear and convincing evidence that the release of the defendant would create a risk of harm or danger to any other person or the community. Due to the fact that defendant is charged with a drug offense for which a maximum term of imprisonment of ten years or more is prescribed under the Controlled Substance Act and due to the fact that defendant is charged with an offense under 18 USC § 924(c), a presumption is created, pursuant to 18 USC § 3142(e)(3)(A)(B) that no condition or combination of conditions would reasonably assure the appearance of the person as required and the safety of the community if defendant was released. The evidence does not show that defendant has rebutted that presumption.

Addendum to Detention Order (#10) 1:16-cr-88. In the Request for Review, defendant challenges the magistrate judge's conclusion that he is a danger to another person or the community.

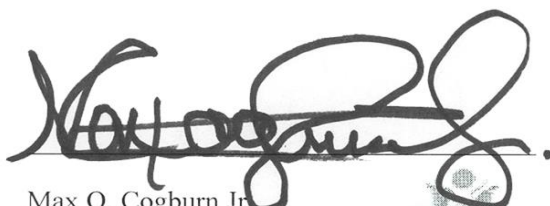
In accordance with 18 U.S.C. § 3145(b), the court has promptly considered the request to vacate such detention Order. The court hereby denies the request as the court has found that defendant has not rebutted the presumption under the statute and that the magistrate judge had before him ample evidence that defendant posed a danger to the community. This evidence included defendant's own statement that he would travel between states to obtain and deliver methamphetamines for purposes of distribution and acting as a "methamphetamine middleman." At the detention hearing, oral and written evidence was offered that the defendant exchanged firearms for methamphetamines; stored firearms in an outbuilding on his property; and intended to kill police officers when and if they attempted to arrest him at the outbuilding. The Addendum to Detention Order (#10) also noted recorded sales of methamphetamine, a short-barreled shotgun, and a firearm silencer.

The court has listened to the FTR recording of the detention hearing and independently considered the evidence and arguments therein presented and can find reason to affirm the Order of Detention Pending Trial and its Addendum.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Review of Detention Order (#11) is **DENIED**, and the magistrate judge's Order of Detention (#8) as well as its Addendum (#10) are **AFFIRMED**.

Signed: September 19, 2016



Max O. Cogburn Jr.
United States District Judge